



PATENT 1647

Case Docket No. GNE.1618P2C8

Date: October 23, 2002

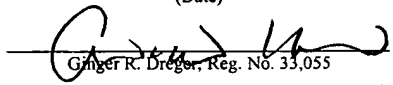
## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Ashkenazi et al.  
Appl. No. : 09/904,011  
Filed : July 11, 2001  
For : SECRETED AND  
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NUCLEIC ACIDS  
ENCODING THE SAME  
Examiner : Christine J. Saoud  
Group Art Unit : 1647

I hereby certify that this correspondence and all  
marked attachments are being deposited with the  
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## TRANSMITTAL LETTER

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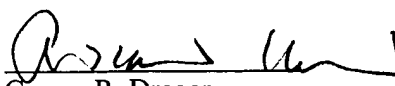
Dear Sir:

Enclosed for filing in the above-identified application is the following:

- (X) Preliminary Amendment in 3 pages;
- (X) Sequence Submission Statement;
- (X) Substitute Sequence Listing in 234 pages;
- (X) Substitute Sequence Listing in computer readable form;
- (X) Copy of Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures;

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Account No. 11-1410; and

- (X) A return prepaid postcard.

  
Ginger R. Dreger  
Registration No. 33,055  
Attorney of Record



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/904,011	07/11/2001	Avi Ashkenazi	10466/45	1120

30313 7590 09/23/2002

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EXAMINER

SAUD, CHRISTINE J

ART UNIT PAPER NUMBER

1647

DATE MAILED: 09/23/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

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EXAMINER	
ART UNIT	PAPER NUMBER

Please find below a communication from the EXAMINER in charge of this application

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 C.F.R. § 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 C.F.R. §§ 1.821-1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures.

The instant claims indicate that Figure 8, SEQ ID NO:8, denotes a polypeptide. However, Figure 8 is a nucleic acid sequence and the Brief Description of the Figures indicates that Figure 8 relates to SEQ ID NO:17. At least page 7 of the paper copy of the Sequence Listing is missing.

Because the claim indicates that SEQ ID NO:8 is the sequence of Figure 8 and this contradicts the Brief Description of the Figures, it is not clear what Sequence identifiers correspond to what subject matter. Applicant may need a new CRF or paper copy of the Sequence Listing or both or neither. If a new Sequence Listing (either computer or paper) is submitted, a new statement indicating that the paper copy and the computer copy are the same will be needed. Regardless, the instant application cannot be examined without clarification of which Sequence Identifiers correspond with which sequence and the pending claims place this correspondence in question.

APPLICANT IS GIVEN 30 DAYS FROM THE DATE OF THIS LETTER WITHIN WHICH TO COMPLY WITH THE SEQUENCE RULES, 37 C.F.R. §§ 1.821-1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 C.F.R. § 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 C.F.R. § 1.136. In no case may an applicant extend the period for response beyond the six month statutory period. Direct the response to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the response.



Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Saoud whose telephone number is (703) 305-7519. If the examiner cannot be reached, inquiries can be directed to Supervisory Patent Examiner Gary Kunz whose telephone number is (703) 308-4623. The fax number for the organization where this application or proceeding is assigned is (703) 308-4242.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0196.

**CHRISTINE J. SAOUD  
PRIMARY EXAMINER**

*Christine J. Saoud*



Applica No.: 09/904,011

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☒ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☒ 7. Other: The specification references to the SEQ ID NOs does not correspond to the paper copy of the Sequence Listing.

**Applicant Must Provide:**

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing", if necessary.
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification, if necessary.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d), if necessary.

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

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